



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM: *DMA* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *James A. Kay, Jr. and Marc D. Sobel v. FCC*, No. 05-46. Filing of a Petition for a Writ of Certiorari in the Supreme Court of the United States.

DATE: July 19, 2005

This is to advise you that, on July 5, 2005, James A. Kay, Jr. ("Kay") and Marc D. Sobel ("Sobel") filed a Petition for a Writ of Certiorari in the Supreme Court of the United States seeking review of *James A. Kay Jr. v. FCC*, 396 F.3d 1184 (D.C. Cir. Feb. 1, 2005).

The D.C. Circuit affirmed the FCC's decision to disqualify Kay and Sobel from holding licenses in the 800 MHz band. On petition for writ of certiorari, Kay and Sobel claim that the lower court and the FCC failed to give sufficient deference to favorable credibility findings by the ALJ.

The Supreme Court has docketed this case as No. 05-46. The attorney assigned to handle the litigation of this case is Gregory M. Christopher.